IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 396 of 2004

with

CIVIL APPLICATION No 9225 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHACHAYA IBRAHIM MUNJAVAR

Versus

MINYA VASAYA BEBAMHAMAD

Appearance:

1. Appeal from Order No. 396 of 2004

MR RC KAKKAD for Appellant No.

MR BY MANKAD for Respondent No. 1

MR SIRAJ R GORI for Respondent No. 1

MS ARCHANA RAVAL A.G.P. for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 04/02/2005

ORAL JUDGEMENT

1. This Appeal from Order is preferred against the order dated 18th November, 2004 below Exh. 5 in Special Civil Suit No. 82 of 2004, passed by 2nd Joint Civil Judge (S.D.) Bhuj-Kutch, whereby the learned Judge has granted the application below Exh. 5 and restrain the defendant from interfering with the possession of the plaintiff and the right of tilling of the plaintiff.

2. While admitting this Appeal from Order, this Court in Civil Application No. 9225 of 2004 had directed the parties to maintain status quo qua the suit property. Now, as status quo is operating, it would be appropriate to direct the parties to maintain status quo till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the parties are directed to abide by the order dated 27th December, 2004 passed by this Court till the final disposal of the suit and further the trial Court is also directed to expedite the hearing of the said suit while continuing the status quo granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No. 82 of 2004 pending before the Court of the learned 2nd Joint Civil Judge (S.D.), Bhuj-Kutch as expeditiously as possible.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

CIVIL APPLICATION No 9225 of 2004.

In view of the order passed in the Appeal from Order, no orders on this Civil Application. The Civil Application stands disposed of accordingly.

[K.S. JHAVERI, J.]

/phalguni/